

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2904 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-claimant aggrieved by the order dated 05.05.2005 in M.V.O.P.No.191 of 1999 on the file of the Motor Accident Claims Tribunal-cum-VII Additional District Judge (Fast Track Court), Nizamabad at Bodhan (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant and the learned Standing Counsel for respondent No.2-Insurance Company and perused the record. The appeal against respondent No.1 was dismissed for default on 05.01.2012.

3. The learned counsel for appellant-claimant would contend that the Tribunal granted meagre compensation of Rs.20,000/- against the claim of Rs.1,50,000/- for the injuries suffered by the appellant and ultimately, prayed to enhance the same.

4. On the other hand, the learned Standing Counsel for the Insurance Company would contend that the Tribunal had taken into consideration the injuries suffered by the appellant and awarded just and reasonable amount towards compensation. There is nothing to take a different view and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by the learned counsel for both sides, the point that arises for determination is, whether the appellant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant suffering injuries in a road accident that occurred on 20.02.1999 due to the rash

and negligent driving of the driver of lorry bearing registration No.UP-42-B-6329. The claimant relied on medical certificate issued by P.W.2-Dr.L.Ramulu, for the injuries suffered by the appellant. This Court on many occasions and also the Tribunal at Nizamabad held that P.W.2-Dr.L.Ramulu was in the habit of exaggerating the injuries and issuing medical certificates. The Tribunal while dealing with the claim petition elaborately dealt with the injuries i.e., mal-united fracture of lower end of the radius left, painful and restricted movements of wrist joint, suffered by the appellant and granted compensation of Rs.20,000/- under different heads, which is based on evidence available on record. There are no circumstances to interfere with the same. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 17.09.2018
ssp